



VIA ECF

September 15, 2017

The Honorable Anita B. Brody
United States District Judge
Eastern District of Pennsylvania
United States Courthouse
601 Market Street, Room 7613
Philadelphia, PA 19106

The Honorable Loretta A. Preska
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street, Room 2220
New York, NY 10007

Re: *CFPB, et al. v. RD Legal Funding, LLC, et al.*, Case No. 17-cv-890;
In re National Football League Players' Concussion Injury Litigation, Case No. 2:12-md-2323-AB, MDL No. 2323

Dear Judge Brody and Judge Preska:

This joint submission by (1) RD Legal Funding Partners, LP, RD Legal Finance, LLC, RD Legal Funding, LLC, and Roni Dersovitz (collectively, the "RD Legal Parties");¹ (2) the Consumer Financial Protection Bureau ("CFPB") and the Attorney General for the State of New York ("NYAG") (collectively, the "Government");² and (3) Co-Lead Class Counsel for the Settlement Class in the NFL Concussion Litigation,³ is made pursuant to the September 8, 2017 Order entered by Judge Preska in the CFPB Action (ECF No. 59).

Judge Preska referred to Judge Brody "the question of whether the NFL Concussion Litigation settlement agreement forbids assignments of settlement benefits." (*Id.* at 4.) Judge Preska further directed the parties to "confer and inform both this Court [Judge Preska] and Judge Brody letter dated no later than September 15, 2017 how they propose to proceed." (*Id.*)

¹ The RD Legal Parties are Defendants in the action captioned *Consumer Financial Protection Bureau, et al. v. RD Legal Funding, LLC, et al.*, No. 1:17-cv-890-LAP (S.D.N.Y.) (the "CFPB Action").

² The CFPB and NYAG are Plaintiffs in the CFPB Action.

³ *In re National Football League Players' Concussion Injury Litigation*, Case No. 2:12-md-2323-AB, MDL No. 2323 (E.D. Pa.).

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After conferring, the parties jointly propose proceeding as follows:

- The RD Legal Parties, the Government, and Co-Lead Class Counsel shall file via ECF no later than September 29, 2017, separate opening briefs not exceeding 15 pages each. The briefs shall be limited to the legal question of “whether the NFL Concussion Litigation settlement agreement forbids assignments of settlement benefits.”
- The RD Legal Parties, the Government, and Co-Lead Class Counsel shall file via ECF no later than October 13, 2017, separate reply briefs addressing the legal issues raised in the opening briefs. The respective reply briefs filed by the Government and Co-Lead Class Counsel shall not exceed 10 pages each. The RD Legal Parties shall file either a single reply brief not to exceed 20 pages, or two reply briefs (separately addressing the issues raised by the Government and Co-Lead Class Counsel) not to exceed 10 pages each.
- No party shall be permitted to file a sur-reply brief.

The RD Legal Parties request that oral argument be held on the question before the Court. Co-Lead Class Counsel and the Government do not join in the request for oral argument at this time.

Respectfully submitted,




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RD Legal Finance, LLC, RD Legal Funding,
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing letter was served electronically via the Court's electronic filing system on the date below upon all counsel of record in this matter.

Dated: September 15, 2017

/s/ Christopher A. Seeger
Christopher A. Seeger